

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

March 12, 2025

United States of America

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Nathan Ochsner, Clerk of Court

v.

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Fabian Osorio-Mondragon

)

Case No. 4:25-mj-140

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Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 10, 2025 in the county of Montgomery in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 U.S.C. § 1326 (a)

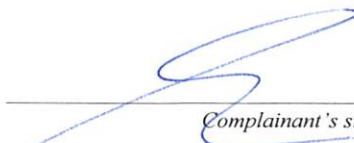
Offense Description

a native and citizen of Mexico and an alien who had been previously deported from the United States was found unlawfully in the United States at Montgomery County, Texas, the said defendant having not obtained the consent before March 2003 from the Attorney General of the United States to reapply for admission into the United States; and without having obtained corresponding consent after February 2003 from the Secretary of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557,

This criminal complaint is based on these facts:

See Attached Affidavit in support of the Criminal Complaint

Continued on the attached sheet.


Complainant's signature

Shawna Campbell, ICE Deportation Officer

Printed name and title

Sworn to me telephonically.

Date: 03/12/2025
Richard W. Bennett, United States Magistrate Judge
Judge's signatureCity and state: Houston, Texas

Richard W. Bennett, United States Magistrate Judge

Printed name and title

4:25-mj-140

AFFIDAVIT

(1) I am a Deportation Officer with the United States Immigration and Customs Enforcement (“ICE”) and have served in that capacity since September 2016. Prior to this assignment, I have held the following positions: Immigration Enforcement Agent and a Federal Correctional Officer. My law enforcement career began on January 7, 2007, as a Federal Correctional Officer. I have over 10 years of immigration law enforcement experience.

(2) On March 10, 2025, Fabian Osorio-Mondragon released into ICE custody. The Defendant is also known as or has used the alias of Fabian Osorio Mondragon.

(3) Based upon the information from ICE’s records as described below, and my training and experience, I submit that there is probable cause to believe that the Defendant is in violation of 8 U.S.C. § 1326(a).

(4) Element One: The Defendant is a citizen and national of Mexico and not a native, citizen or national of the United States.

(5) Element Two: The Defendant has previously been deported or removed from the United States on the following occasion(s):

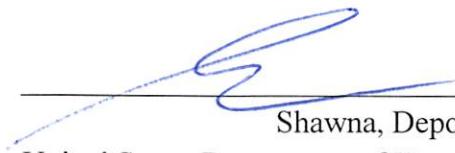
a. May 25, 2016

(6) Element Three: After deportation, the Defendant was subsequently found in the United States on March 10, 2025, in Conroe, Texas which is within the Southern District of Texas. Specifically, within the Houston or Galveston Division of the Southern District of Texas. Additionally, ICE’s Law Enforcement Support Center (“LESC”) has been consulted to determine whether, in the past five years and after the Defendant’s last deportation, the Defendant has been encountered by law enforcement prior to the date specified earlier in this paragraph. On March 12, 2025, I observed that the Defendant was encountered 1 previous time in 2024 and was not prosecuted.

(7) Element Four: The Defendant did not have permission to reenter the United States. On March 12, 2025, I reviewed the contents of the Alien File associated with this Defendant and/or available database information. I found no indication that the Defendant has ever received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to apply for admission to the United States following deportation from the United States. I have requested certification of this fact from the Records Branch of the Immigration Service.

(8) Prior Criminal History / Gang Affiliation. The Defendant has the following prior criminal history and/or gang affiliation:

- a. On April 15, 2024, the Defendant, using the name Fabian Osorio-Mondragon was convicted in the District Court 81st/218th Judicial District La Salle County, Texas for the offense of smuggling of persons – Count 1, a felony. For this offense, the Defendant was sentenced to two (2) years.
- b. On April 15, 2024, the Defendant, using the name Fabian Osorio-Mondragon was convicted in the District Court 81st/218th Judicial District La Salle County, Texas for the offense of smuggling of persons – Count 2, a felony. For this offense, the Defendant was sentenced to two (2) years.



Shawna, Deportation Officer
United States Department of Homeland Security
U.S. Immigration & Customs Enforcement

Signed and sworn telephonically before me on this 12th day of March 2025, and I find probable cause.



Honorable Judge Richard W. Bennett
United States Magistrate Judge
Southern District of Texas